

ENROLLED ORIGINAL

A RESOLUTION

18-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To authorize the Chairman of the Council to hold a hearing on youth issues during the recess period beginning April 10, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Youth Hearing Authorization Recess Resolution of 2009".

Sec. 2. The Chairman of the Council is authorized to hold a hearing on youth issues during the period April 10 through April 18, 2009.

Sec. 3. This resolution expires on April 19, 2009.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-65

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so, and to allow a law enforcement officer to make an arrest without a warrant for said violation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "GPS Anti-Tampering Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device.

(b) Persons required to wear a detection device should be less inclined to commit a new crime, thereby protecting public safety without the necessity of incarceration. Additionally, where this motivation fails, global positioning system ("GPS") devices have been used successfully to identify probable suspects by matching their whereabouts to the scene of a crime.

(c) In August 2008, it became apparent that a person who was required to wear a GPS device had deliberately attempted to interfere with its signal. Since that time, there have been 7 additional cases where tampering with a GPS device was either suspected or established. There are 10 additional instances where a person has removed or attempted to remove a GPS or electronic monitoring device.

(d) The wearing of a GPS or other electronic monitoring system device is designed to protect another individual or the community as a whole. This purpose is defeated if the device does not work because someone has deliberately tampered with it. Imposing a more stringent sanction on a person who tampers with or removes a GPS or other electronic monitoring system – whether or not he or she commits an additional crime – may deter some people from violating this condition of release. In those cases where deterrence is not achieved, punishment is appropriate.

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(e) The GPS Anti-Tampering Emergency Act of 2008, effective January 6, 2009 (D.C. Act 17-650; 56 DC R ____), expires on April 6, 2009. The GPS Anti-Tampering Temporary Act of 2009, signed by the Mayor on January 28, 2009 (D.C. Act 17-712; 56 DCR 1388), is subject to a 60-day passive review period before Congress and is not expected to become law until well after the expiration of the emergency.

(f) This emergency legislation is necessary to continue the legal authority for these anti-tampering provisions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the GPS Anti-Tampering Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-66

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to authorize the Mayor to regulate vending in the District of Columbia, to require vendors to vend only from designated locations, to authorize development areas within which alternative forms of regulation of vending may be tested, to authorize the Mayor to charge fees for licenses and other authorizations to vend from public space, to authorize the imposition of civil fines for the violation of this act or rules promulgated pursuant to this act, and to authorize the regulation of public markets; and to amend An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, the Fiscal Year 1997 Budget Support Act of 1996, Title 47 of the District of Columbia Official Code, and An Act Relating to the adulteration of feed and drugs in the District of Columbia, to make conforming amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Vending Regulation Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. The Council of the District of Columbia finds that:

(1) On January 6, 2009, the Council unanimously passed Bill 18-29, the Vending Regulation Emergency Act of 2009.

(2) On February 3, 2009, the Council unanimously passed on 2nd reading Bill 18-30, the Vending Regulation Temporary Act of 2009.

(3) The emergency legislation, D.C. Act 18-9, expires on April 29, 2009.

(4) Due to Congressional review, the temporary legislation, D.C. Act 18-22, does not become effective until April 30, 2009.

(5) It is of vital importance that the provisions of the emergency act continue in effect, without interruption, until D.C. Act 18-22 becomes effective.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Vending Regulation Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-67

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To disapprove the reprogramming request No.18-11 of \$5,827,145 within the Department of Parks and Recreation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming No.18-11 Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council on March 17, 2009, a reprogramming request to reprogram \$5,827,145 of capital budget authority and allotment from various Department of Parks and Recreation ("DPR") Projects to DPR Project QA501C. The Council disapproves this reprogramming request.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To confirm the appointment of Ms. Julie A. Hudman as the Director of the Department of Health Care Finance.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Health Care Finance Julie A. Hudman Confirmation Approval Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Julie A. Hudman
1706 Crestwood Drive, N.W.
Washington, D.C. 20011
(Ward 4)

as the Director of the Department of Health Care Finance, established by section 5 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.04), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-69

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To disapprove the appointment of Mr. James Byles to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Employee Relations Board James Byles Disapproval Resolution of 2009".

Sec. 2. The Council of the District of Columbia disapproves the appointment of:

Mr. James Byles
3701 Chesapeake Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a public member of the Public Employee Relations Board, in accordance with section 501(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01(c)), for a term to end December 12, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-70

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To confirm the appointment of Mr. Lee A. Smith III as the Director of the Department of Small and Local Business Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Small and Local Business Development Lee A. Smith III Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Lee A. Smith III
1413 34th Street, S.E.
Washington, D.C. 20020
(Ward 7)

as the Director of the Department of Small and Local Business Development, established by section 2311 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.11), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-71

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To approve the extension of the 2-year time limit for the disposition of the Center Leg Freeway property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Extension Approval Resolution of 2009".

Sec. 2. (a) Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Mayor transmitted to the Council a request for approval of additional time, in the amount of 2 years, to dispose of the real property ("Property") for which disposition was approved by the Council in the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) ("Disposition Approval Resolution"). The Mayor also transmitted a detailed status report on efforts made toward disposition of the Property as well as the reasons for the inability to dispose of the Property within the 2-year time period authorized by the Disposition Approval Resolution.

(b) The Council approves the additional time requested by the Mayor to dispose of the Property and extends the time period to dispose of the Property to July 11, 2011.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To approve the disposition of District-owned real property located in the 3800 block of Georgia Avenue, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "3813-3815 and 3825-3829 Georgia Avenue, N.W., Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Affordable unit" means a residential unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for that unit.

(2)(A) "Area median income" has the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with the regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the Community Development Block Grant program, or the low income housing tax credit program.

(3) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act.

(4) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

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(5) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the Property.

(6) "Property" means the real property with a street address 3813 and 3815, and 3825 and 3829 Georgia Avenue, N.W., and designated for purposes of taxation and assessment as Lots 51, 52, and 818 in Square 3028.

(7) "Purchase price" means the consideration paid by purchaser for the purchase or lease of the property.

(8) "Purchaser" means Donatelli Development, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(6)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property to the purchaser. The proposed disposition would include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The purchase price will be based on the present value of a 99-year unsubordinated ground lease net of any appropriate deductions in land value or fair market value net of any appropriate deductions in land value. The deductions may include the value of the affordable housing required by paragraph (4) of this subsection and the value of the retail space required by paragraph (5) of this subsection.

(2) Purchaser or any developer of the property selected by purchaser shall execute a CBE Agreement acceptable to the Mayor. The CBE Agreement shall require purchaser or any developer or developers of the property selected by purchaser to contract with certified business enterprises for at least 40% of the contract dollar volume of the project and require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(3) Purchaser or any developer of the property selected by purchaser shall enter into a First Source Agreement with the District.

(4) Purchaser or any developer of the property selected by purchaser shall cause not less than 30% of all residential units or residential gross square footage developed on the property to be developed as affordable units; 15% of all residential units or all residential gross square footage shall be affordable units affordable to households earning 60% or less of the area median income, and 15% of all residential units or all residential gross square footage shall be affordable units affordable to households earning 30% or less of the area median income.

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(5) The purchaser or any developer of the property selected by purchaser shall reserve a portion of the square footage of retail space in the project developed on the property for retailers that are local or are certified business enterprises.

(6) The property may be disposed of through separate disposition agreements applicable to separate portions of the property.

(b) The Council finds that the property is no longer required for public purposes.

(c) The Council approves the disposition of the property.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-73

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To approve the disposition by the Mayor of District-owned real property located at 4427 Hayes Street, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "4427 Hayes Street, N.E., Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Affordable unit" means a residential unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for the unit.

(2)(A) "Area median income" has the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with the regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the federal Community Development Block Grant regulations, or the low income housing tax credit program.

(3) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser or any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(4) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

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(5) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser or any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the property.

(6) "Property" means the District-owned real property with a street address of 4427 Hayes Street, N.E., and known for purposes of taxation and assessment as Lot 120 in Square 5129.

(7) "Purchase price" means the consideration paid by purchaser for the purchase or lease of the property.

(8) "Purchaser" means Blue Skye Development, LLC, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b)(6) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(6)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property to the purchaser. The proposed disposition would include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) Purchaser shall cause to be developed on the property 9 affordable units that shall be affordable to households with incomes of 30% or less of the area median income or that shall be used as New Communities replacement units and of which 17 shall be affordable units affordable to households with incomes of 60% or less of the area median income.

(2) The purchase price will be based on the fair market value of the property, less the value of the public benefits provided by purchaser, including the affordable housing requirements.

(3) Purchaser or any developer of the property selected by purchaser shall execute a CBE Agreement acceptable to the Mayor. The CBE Agreement shall require purchaser or any developer or developers of the property selected by purchaser to contract with certified business enterprises for at least 40% of the contract dollar volume of the project and require at least 20% equity and development participation by local, small, and disadvantaged business enterprises.

(4) Purchaser or any developer of the property selected by purchaser shall enter into a First Source Agreement with the District.

(b) The Council finds that the property is no longer required for public purposes.

(c) The Council approves the disposition of the property by the Mayor.

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Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To approve the disposition of District-owned real property located at 525 9th Street, N.E., and 1341 Maryland Avenue, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "525 9th Street, N.E., and 1341 Maryland Avenue, N.E., Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Affordable unit" means a residential unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for that unit.

(2)(A) "Area median income" has the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with the regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the Community Development Block Grant program, or the low income housing tax credit program.

(3) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(4) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

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(5) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the Property.

(6) "Property" means the real property with a street address of 525 9th Street, N.E., designated for purposes of taxation and assessment as Lot 808, Square 936, and 1341 Maryland Avenue, N.E., designated for purposes of taxation and assessment as Lot 830, Square 1028.

(7) "Purchase price" means the consideration paid by purchaser for the purchase or lease of the property.

(8) "Purchaser" means The Argos Group, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property pursuant to a negotiated sale.

(b) The Mayor's planned disposition would include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The property will be disposed of to purchaser.

(2) The purchase price will be \$260,000.

(3) Purchaser or any developer of the property selected by purchaser will be required to execute a CBE Agreement acceptable to the Mayor. The CBE Agreement will require purchaser or any developer or developers of the property selected by purchaser to contract with certified business enterprises for at least 50% of the contract dollar volume of the project and require at least 25% equity and development participation of local, small, and disadvantaged business enterprises.

(4) Purchaser or any developer of the property selected by purchaser will be required to enter into a First Source Agreement with the District.

(5) Purchaser or any developer of the property selected by purchaser will be required to cause not less than 4 residential units developed on the property to be developed as affordable units affordable to households earning 60% or less of the area median income.

(6) The property may be disposed of through separate disposition agreements applicable to separate portions of the property.

(c) The Council finds that the property is no longer required for public purposes.

(d) The Council approves the disposition of the property.

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Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To confirm the appointment of Mr. Gabe Klein as the Director of the District Department of Transportation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the District Department of Transportation Gabe Klein Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Gabe Klein
1100 Euclid Street, N.W.
Washington, D.C. 20009
(Ward 1)

as the Director of the District Department of Transportation, established by section 2 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require that any term employee, in the Department of Parks and Recreation, serving more than 4 consecutive term appointments be converted to a career service employee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Parks and Recreation Term Employee Appointment Emergency Declaration Resolution of 2009".

Sec. 2. (a) On March 31, 2009, the Committee on Libraries, Parks and Recreation held a roundtable on the personnel practice of the Department of Parks and Recreation. The testimony from that hearing demonstrated a need to have uniform standards for term employment conversions to career service.

(b) Term employees receive the same employment benefits as career service employees while performing many of the same duties. However, term employees lack the same opportunity for career advancement within the government.

(c) There is a need for term employment status because after 4 consecutive terms of 13 months each the government was creating a *de facto* career service status for employees, which led to morale challenges within our agencies.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Parks and Recreation Term Employee Appointment Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to grant a tax deferral to certain small businesses located along specific streetscape corridors undergoing active construction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Small Business Streetscape Construction Real Property Tax Deferral Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to grant real property tax relief to certain small businesses suffering severe financial hardship due to disruptions caused by active street construction on several streetscape corridors.

(b) The deadline to pay current real property taxes owed closed several days ago, on March 31, 2009, and many small businesses in these construction corridors are unable to immediately pay the full amount of taxes owed.

(c) Many small businesses located along streetscape or Great Streets corridors have suffered loss of business and revenue due to the disruptions caused by the ongoing construction that has closed streets, impeded pedestrian access to their businesses, filled the air with dust and debris, and caused a massive reduction in available customer curbside parking.

(d) Success for many of the small businesses located along these corridors is directly related to accessibility, which has been sharply reduced due to the disruption by the large-scale construction projects.

(e) This tax deferral will not reduce the amount of taxes due the District but will allow the affected small businesses to delay payment and maintain the maximum amount of capital during streetscape construction.

(f) Without this tax relief many small businesses currently struggling will be forced to either obtain bank loans to pay their taxes or will have to close.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small Business Streetscape Construction Real Property Tax Deferral Emergency Act of 2009 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to suspend implementation of the open enrollment provisions of the Medical Insurance Empowerment Amendment Act of 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Insurance Empowerment Emergency Declaration Resolution of 2009".

Sec. 2. The Council of the District of Columbia finds that:

(1) The Medical Insurance Empowerment Amendment Act of 2008 ("Act") became law on March 25, 2009.

(2) The Act provides a framework to ensure that nonprofit hospital and medical services corporations pursue their public health missions.

(3) Section 2(f) of the Act requires medical services corporations to continue to offer the open enrollment program to each subscriber as long as the subscriber renews his or her coverage under the program, sets affordability and adequacy standards for the open enrollment program, requires the medical service corporations to advertise the availability of the open enrollment program, and requires that the medical services corporations enroll a minimum of 2500 subscribers in the open enrollment program.

(4) In light of the worsening economic climate, the accompanying emergency act will suspend implementation of section 2(f) on an emergency basis so that the Council can review the provision to determine the financial effects of increasing coverage.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Insurance Empowerment Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-79

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to provide that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered infant, to provide for further placement with Child and Family Services Agency, to provide immunity to a facility and personnel receiving a surrendered newborn infant, and to require the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Newborn Safe Haven Emergency Declaration Resolution of 2009".

Sec. 2. (a) Across the country, legislation has been enacted to address the increasing incidences of newborn abandonment. Texas became the first to enact a statewide safe haven law in 1999. To date, all 50 states have implemented safe haven legislation. The Newborn Safe Haven Emergency Act of 2009 would add the District of Columbia to the list of jurisdictions that have adopted save haven laws.

(b) This legislation would allow a parent in crisis to anonymously surrender a newborn infant, 7 days old or less, where there is no actual or suspected abuse or neglect, to a hospital without being charged with abuse, neglect, or abandonment of the newborn.

(c) Emergency legislation is necessary to immediately put into place safeguards to help prevent the tragic deaths of newborns who may be in danger of being discarded in hazardous locations by parents who are either unwilling or find themselves unable to care for them.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Newborn Safe Haven Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to exempt from taxation a certain leasehold interest held by KIPP DC and its subsidiary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "KIPP DC – Douglass Property Tax Exemption Emergency Declaration Resolution of 2009".

Sec. 2. Emergency circumstances.

(a) KIPP DC, a tax-exempt 501(c)(3) organization, is the tenant under a long-term ground lease ("Ground Lease") with the District of Columbia Public Schools for property, located in Ward 8 at 2600 Douglas Road, S.E., that formerly housed Douglass Junior High School ("Douglass Property"), described as Lot 950, Square 5872.

(b) KIPP DC is currently operating one public charter school at the Douglass Property. KIPP DC is planning an approximately \$26.5 million renovation of the Douglass Property, after which KIPP DC will operate 4 public charter schools at the Douglass Property.

(c) KIPP DC is currently focused on a permanent financing solution for this renovation project through the New Market Tax Credit ("NMTC") program, which is administered by the United States Treasury Department. The NMTC financing will allow KIPP DC to obtain financing terms that are far more favorable than what is found in a more conventional financing program.

(d) The NMTC program requires that the borrower must own the property being financed and may not own any property other than the financed property. KIPP DC owns properties other than the Douglass Property and thus it cannot be the borrower.

(e) For this reason, KIPP DC has formed a subsidiary, KIPP DC – Douglass QALICB, Inc. ("QALICB"), to be the borrower. At closing on the NMTC financing, KIPP DC will assign its interest in the Ground Lease to QALICB, which will immediately sublease the entire Douglass Property back to KIPP DC.

(f) KIPP DC is currently exempt from District of Columbia real property, possessory interest, recordation, and transfer taxes with respect to the Douglass Property. However, the QALICB is not.

ENROLLED ORIGINAL

A RESOLUTION

18-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to authorize the issuance of revenue GARVEE bonds supported by grants to be received from the Federal Highway Administration to finance transportation-related improvements in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transportation Infrastructure Improvements GARVEE Bond Financing Emergency Declaration Resolution of 2009".

Sec. 2. In anticipation of the Federal Highway Administration providing additional funding to the District Department of Transportation for infrastructure project financing, the District must have a mechanism in place for committing the funds immediately. The GARVEE bond legislation will provide the Federal Highway Administration immediate assurances that the District is prepared to finance infrastructure projects. Having the authority to issue GARVEE bonds in place will ensure that essential infrastructure projects will be able to proceed without delay.

Sec. 3. Passage of this legislation does not have an impact on the District of Columbia's budget and financial plan and would not count towards the District's 12% debt service cap since the bonds can only be financed by future federal appropriations and not guaranteed by local funds.

Sec. 4. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitutes emergency circumstances making it necessary that the Transportation Infrastructure Improvements GARVEE Bond Financing Emergency Act of 2009 be adopted after a single reading.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to keep in place the amendment to the Office of Administrative Hearings Establishment Act of 2001 that permits the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rent Administrator Hearing Authority Emergency Declaration Resolution of 2009".

Sec. 2. (a) The authority of the Rent Administrator to hold hearings and issue decisions in administrative cases arising under the Rental Housing Act of 1985 was transferred to the Office of Administrative Hearings on October 1, 2006, pursuant to section 6 (b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, (D.C. Law 14-76; D.C. Official Code § 2-1831.03 (b-1)(1)).

(b) Currently, the Rent Administrator has a number of cases that either await issuance of a final decision or for which the period for appeal has yet to expire.

(c) Allowing the Rent Administrator and the hearing examiners to retain the authority to issue the remaining final orders will help to ensure that the claims of tenants and housing providers in these matters are decided quickly and efficiently.

(d) To avoid serious delays in the adjudication of the administrative hearings conducted under the Rental Housing Act, there is a critical and immediate need to amend the Office of Administrative Hearings Establishment Act of 2001 to allow the Rent Administrator to issue the remaining final orders.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rent Administrator Hearing Authority Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. CFSA-09-C-0137 and Proposed Contract No. CFSA-09-C-0138 to provide Main Facility Independent Living Program services to the Child and Family Services Agency, and to authorize payment for the services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-09-C-0137 and Proposed Contract No. CFSA-09-C-0138 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Contract No. CFSA-09-C-0137 and Proposed Contract No. CFSA-09-C-0138 with Jones and Associates, Inc., ("Jones") to provide Main Facility Independent Living Program services to the Child and Family Services Agency ("CFSA") and to authorize payment for the services received and to be received under the contracts.

(b) On January 8, 2009, CFSA awarded to Jones Contract No. CFSA-09-C-0137 to provide time to complete negotiations for Contract No. CFSA-09-C-0138 for the Main Facility Independent Living Program. The term of Contract No. CFSA-09-C-0137 is from January 8, 2009, through April 8, 2009, in the amount not to exceed \$958,177.41.

(c) On March 4, 2009, Jones signed proposed Contract No. CFSA-09-C-0138 for a term from the date of award (anticipated to be April 9, 2009) through June 30, 2009, in the amount not to exceed \$749,120.

(d) Proposed Contract number CFSA-09-C-0138 is necessary to continue independent living services through June 30, 2009.

(e) Council approval is necessary as the total amount of Contract No. CFSA-09-C-0137 and Contract No. CFSA-09-C-0138 exceed \$1 million within a 12-month period.

(f) Approval on an emergency basis is necessary to allow the continuation of these vital services. Without the approval, Jones cannot be paid for services provided in excess of \$1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Contract No. CFSA-09-C-0137 and Proposed Contract No. CFSA-09-C-0138 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to approve Modification No. 11 to Contract No. POKV-2006-C-0064 to provide ticket-processing services to the District and to authorize payment for the services received, and to be received, under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 11 to Contract No. POKV-2006-C-0064 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Modification No. 11 to Contract No. POKV-2006-C-0064 with ACS State and Local Solutions, Inc. ("ACS") to provide ticket-processing services to the District and to authorize payment for the services received, and to be received, under that contract.

(b) The Office of Contracting and Procurement ("OCP"), on behalf of the Department of Motor Vehicles, awarded Contract No. POKV-2006-C-0064 to ACS to provide ticket-processing services for the base period from January 3, 2007 to January 2, 2009, in the amount of \$15,419,104.

(c) On December 31, 2008, OCP exercised a partial option with Modification No. 8 from January 3, 2009 until February 11, 2009 in the amount of \$810,000.

(d) On February 4, 2009, OCP exercised the balance of option year one with Modification No. 10 from February 12, 2009 until January 2, 2010 in the amount of \$5,437,156.

(e) Modification No. 11 is necessary to approve additional services in the base term in the amount of \$2,286,984, and \$1,144,000 in option year one.

(f) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, ACS cannot be paid for services provided in excess of \$15,419,104 in the base term and \$6,247,156 in the option year.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 11 to Contract No. POKV-2006C-0064 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to approve Contract No. GAGA-2007-C-0166 with Tandem Conglomerate LLC for implementation and support services for the Student Tracking and Reporting System, and to authorize payment for the services received and to be received under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2007-C-0166 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to approve the contract to provide implementation and support services for the Student Tracking and Reporting System and to authorize payment for the services received and to be received under this contract.

(b) On March 15, 2006, the District of Columbia Public Schools Office of Contracts and Acquisitions ("OCA") issued Contract GAGA-2007-C-0166 to Tandem Conglomerate LLC in the amount of \$808,000 for the period March 15, 2006, to September 30, 2006.

(c) On August 30, 2007, OCA issued Modification No.1 to clarify certain contract language at no change in contract price.

(d) On September 28, 2007, OCA issued Modification No. 2 to exercise a partial option for the period October 1, 2007, to November 15, 2007.

(e) On November 8, 2007, OCA issued Modification No. 3 to exercise the full Option Year One, in the amount of \$1,892,800, for the period October 1, 2007, through September 30, 2008.

(f) On August 18, 2008, OCA issued Modification No. 4 to raise the contract ceiling by \$350,000 for the current option year and each subsequent option year.

(g) On September 26, 2008, OCA issued Modification No. 5, in the amount of \$577,326.50, for the period October 1, 2008, to December 31, 2008.

(h) On December 12, 2008, OCA issued Modification No. 6, in the amount of \$384,893.50, for the period January 1, 2009, to February 28, 2009.

(i) On February 19, 2009, OCA issued Modification No. 7, in the amount of \$37,680, for the period March 1, 2009, to March 6, 2009.

ENROLLED ORIGINAL

(j) Council approval is necessary to issue Modification No. 8 to approve payment to Tandem Conglomerate LLC, in the amount of \$1,309,460 for vital services rendered from March 7, 2009, through September 30, 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAGA-2007-C-0166 Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 2009

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7 and 10 and proposed Modification No. 11 to Contract No. POFA-2005-D-0003 to provide security and related services to the District of Columbia Public Schools, and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POFA-2005-D-0003 Modifications Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Modification Nos. 7 and 10 and proposed Modification No. 11 to Contract No. POFA-2005-D-0003 with Hawk One Security, Inc., ("Hawk") to provide security and related services to the District of Columbia Public Schools ("DCPS") and to authorize payment for the services received and to be received under that contract.

(b) By Modification No. 6, the Office of Contracting and Procurement ("OCP"), on behalf of the DCPS, exercised option year 2 of Contract No. POFA-2005-D-0003 to Hawk from June 1, 2008 to May 31, 2009 in the amount of \$14,602,564.

(c) By Modification No. 7, dated November 24, 2008, OCP approved an equitable adjustment in the amount of \$467,187.62.

(d) By Modification No. 10, dated January 16, 2009, OCP approved additional services in the amount of \$17,724.

(e) Modification No. 11 is necessary to approve an increase in cost for the services in the total amount of \$1,547,559.79.

(f) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Hawk cannot be paid for services provided in excess of \$14,602,564 in this option year.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POFA-2005-D-0003 Modifications Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.